

# Senate Bill 366

Sponsored by Senator WALKER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits school administrator and school district, education service district or public charter school from entering into certain contracts or agreements related to termination of employment of administrator.

Requires member of school district board, education service district board or public charter school board to abstain from process of entering into certain contracts or agreements with administrator if member has received notice of being named in proceeding involving administrator.

Prohibits administrator from using property leased by district or school for one year after termination of contract.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to employment conditions of school administrators; creating new provisions; amending ORS  
3 342.603; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 342.603 is amended to read:

6 342.603. (1) As used in this section:

7 (a) "Administrator" means a person who is employed as an administrator or is performing ad-  
8 ministrative duties, regardless of whether the person is required to have a license, and includes but  
9 is not limited to superintendents, assistant superintendents and business managers.

10 (b) "Administrator" does not include a person who is subject to ORS 342.805 to 342.937.

11 (2) A school district, education service district or public charter school shall:

12 (a) Enter into an employment contract, with each administrator, that has provisions that cover  
13 the duration of the contract, conditions for contract termination and extension and conditions for  
14 employee resignation; and

15 (b) Have the current employment contract for each administrator on file in the central office  
16 of the district or school.

17 *[(3) Except as provided in subsection (4) of this section, a school district, education service district*  
18 *or public charter school may not enter into an employment contract with an administrator that contains*  
19 *provisions that expressly obligate the district or school to compensate the administrator for work that*  
20 *is not performed.]*

21 *[(4) A school district, education service district or public charter school may provide health benefits*  
22 *for an administrator who is no longer employed by the district or school until the administrator:]*

23 *[(a) Reaches 65 years of age; or]*

24 *[(b) Finds new employment that provides health benefits.]*

25 **(3) Provisions of a collective bargaining agreement, individual employment contract,**  
26 **agreement for resignation or termination, severance agreement or any other contract or**  
27 **agreement entered into by an administrator and by a school district, education service dis-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 trict or public charter school are not valid or enforceable if the provisions provide for com-  
2 pensation to the administrator in anticipation of termination of employment or following  
3 termination of employment unless the compensation is for any of the following:

4 (a) Work performed by the administrator.

5 (b) Accumulated and unused sick leave with pay, vacation leave with pay or similar leave  
6 with pay to which the administrator is entitled as the result of district or school policy.

7 (c) Accumulated retirement benefits to which the administrator is entitled as the result  
8 of district or school policy.

9 (d) Severance pay that may not exceed the total amount of 12 months of pay of the ad-  
10 ministrator.

11 (e) Health benefits provided until the administrator reaches 65 years of age or finds new  
12 employment that provides health benefits.

13 (4) A member of a school district board, education service district board or public charter  
14 school board must abstain from the process of entering into a contract or agreement de-  
15 scribed in subsection (3) of this section if the member has received notice that the member  
16 has been named in a proceeding involving the administrator.

17 (5) For a period of one year after the termination of the contract between an administrator and  
18 a school district, education service district or public charter school, the administrator may not:

19 (a) Purchase property or surplus property owned by the district or school; or

20 (b) Use property owned **or leased** by the district or school in a manner other than the manner  
21 permitted for the general public in a school district or education service district or at a public  
22 charter school.

23 **SECTION 2.** The amendments to ORS 342.603 by section 1 of this 2009 Act apply to con-  
24 tracts or agreements entered into on or after the effective date of this 2009 Act.

25 **SECTION 3.** This 2009 Act being necessary for the immediate preservation of the public  
26 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
27 on its passage.

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